

RESOLUTION NO. 2009-16

A RESOLUTION OF THE LODI CITY COUNCIL
AUTHORIZING THE CITY MANAGER TO ENTER INTO
SECOND AMENDMENT TO WORLD OF WONDERS
SCIENCE MUSEUM LEASE

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WHEREAS, the World of Wonders (WOW) Museum entered into an agreement with the City Council on August 2, 2006, to develop the "shell" space located attached to the downtown parking garage as an interactive science museum focused on children; and

WHEREAS, the WOW has engaged in a very successful campaign to raise funds and has invested \$550,000 in improvements, plus in-kind contributions. They have a collection of exhibits via the Exploratorium and, subject to raising operating capital, are ready to open; and

WHEREAS, the museum is requesting more time to raise operating capital due to the existing economy, which has effected fund raising efforts; and

WHEREAS, during the course of construction, the southern side of the space was discovered to have mold and construction defects, of which the City and WOW were not aware and are now working towards a resolution; and

WHEREAS, until the defects are remedied, WOW is not responsible for tenant improvements; and

WHEREAS, the Board of Directors of the WOW Science Museum has requested that the City Council consider amending the current lease agreement as outlined below:

- A) Extend the commencement of rent obligations by one year – \$1,030.00 per month to begin in February 2010;
- B) Freeze the indexing of rent increases for one year – (The rent is to increase annually by the Consumer Price Index or 2.5% whatever is larger);
- C) Extend the commencement of regular hours of operation to August 1, 2009; and
- D) Extend the completion of the south tenant improvements until one year after the construction defects of the building are corrected.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby authorize the City Manager to enter into a Second Amendment to the WOW Museum Lease as outlined above; and

BE IT FURTHER RESOLVED that this lease amendment is subject to approval by the Federal Transit Administration.

Dated: February 4, 2009

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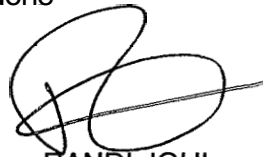
I hereby certify that Resolution No. 2009-16 was passed and adopted by the City Council of the City of Lodi in a regular meeting held February 4, 2009, by the following vote:

AYES: COUNCIL MEMBERS – Hitchcock, Johnson, Katzakian, Mounce,
and Mayor Hansen

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – None



RANDI JOHL
City Clerk